



U.S. Department of Justice

Civil Division

Washington, D.C. 20530

BY ECF

Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

April 1, 2025

Re: Notice of Supplemental Authority
Haitian Evangelical Clergy Assn., et al. v. Donald J. Trump, in his official capacity as President of the United States of America, et al. No. 25-CV-1464 (BMC) (E.D.N.Y.)

Dear Judge Cogan:

On May 19, 2025, the Supreme Court, in an 8-1 ruling, granted the government's application to stay the Court's March 31, 2025 Order in *Noem v. Nat. TPS Alliance*, No. 24A1059 (S. Ct. May 19, 2025). The Supreme Court's Order applies to that court's Order granting a motion to postpone the Secretary of Homeland Security's "decision to vacate the extension of the 2023 Designation and to terminate the 2023 Designation" as to Venezuela. *Nat. TPS Alliance*, --- F.Supp.3d ---, 2025 WL 957677, at *47 (N.D. Cal. Mar. 31, 2025). The March 31 postponement order is therefore stayed "pending the disposition of the appeal in the United States Court of Appeals for the Ninth Circuit and disposition of a petition for a writ of certiorari." *Noem v. Nat. TPS Alliance*, No. 24A1059 (S. Ct. May 19, 2025).

In granting relief, the Supreme Court concluded that the government established "a likelihood of success on the merits, a reasonable probability of obtaining certiorari, and a likelihood of irreparable harm." See *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam). The government's merits arguments were that the court's Order contravened the express bar on judicial review at 8 U.S.C. § 1254a(b)(5)(A), failed to recognize the Secretary's authority to reconsider as yet-inoperative actions, and accepted a baseless equal protection theory. On the other *Hollingsworth* factors, the government argued that the court's order intruded on an area of Executive Branch operations that Congress left to the Executive Branch's discretion and harmed the Government in light of the Secretary's determination that the extension of Venezuela's TPS designation would harm the United States' national security and public safety, while also straining public resources. In granting a stay, the Supreme Court necessarily agreed with the government on the merits and the equities.

Respectfully submitted,

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cc: All Counsel of Record (by ECF)